

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MARKESH REYNOLDS,

Defendant.

CR 18–95–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on October 9, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept David Markesh Reynolds’s

guilty plea after Reynolds appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to crimes of prohibited person in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (Count I), and possession of a stolen firearm in violation of 18 U.S.C. § 922(j) (Count II) as set forth in the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 23), and I adopt them in full.

Accordingly, IT IS ORDERED that David Markesh Reynolds' motion to change plea (Doc. 17) is GRANTED and David Markesh Reynolds is adjudged guilty as charged in Counts I and II of the Indictment.

DATED this 25th day of October, 2018.



Dana L. Christensen, Chief District Judge
United States District Court